

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

KAAZIM ABUL UMAR	§	
(aka Wesley Pittman)		
v.	§	CIVIL ACTION NO. 6:14cv394
JOHN RUPERT, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Kaazim Abul Umar, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Umar complains of the denial of the right to wear a 1/4 inch beard, as he says is required by his Muslim faith. In Umar v. McVea, 81 F.3d 157, 1996 WL 101709 (5th Cir., March 1, 1996), the Fifth Circuit imposed sanctions on Umar by barring him from filing any new lawsuits in any court subject to the jurisdiction of the Fifth Circuit without the advance written permission of a judge of that court.

Because the record did not show that Umar had sought, much less received, permission to file his lawsuit, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed. A copy of this Report was sent to Umar at his last known address, but was returned as undeliverable because Umar has been discharged from the Texas Department of Criminal Justice, Correctional Institutions Division. He did not provide a forwarding address and has not filed objections to the Report; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review

of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings in this case as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 6) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice as to its refiling upon receipt of permission from a judge of this Court or the Fifth Circuit Court of Appeals, but with prejudice as to its refiling without the receipt of such permission. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So ORDERED and SIGNED this 15th day of September, 2014.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**